

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1975**

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**Introduced by Assembly Member Roger Hernández**

February 19, 2014

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An act to amend Section ~~1317~~ 1798.162 of the Health and Safety Code, relating to ~~health facilities~~ *emergency medical services*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as amended, Roger Hernández. ~~Emergency departments. Trauma care systems.~~

*Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services (EMS) agency. The act establishes the Emergency Medical Services Authority, which is responsible for the coordination and integration of all state agencies concerning emergency medical services. Existing law authorizes a local EMS agency to implement a trauma care system only if the system meets the minimum standards adopted by the authority, as prescribed.*

*This bill would require a local EMS agency implementing a trauma care system, as part of the minimum standards, to commission the American College of Surgeons to conduct a comprehensive assessment every 3 years of equitability and access to its trauma system, and would require the local EMS agency to submit the results of each assessment to the authority. The bill would also make legislative findings and declarations regarding the need for special legislation.*

~~Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulations of health facilities, including, but not limited to, health facilities operating emergency departments.~~

~~Existing law requires a health facility maintaining or operating an emergency department to provide emergency services and care to any person requesting those services and care for any condition in which the person is in danger of loss of life, or serious injury or illness. Violation of these provisions is a crime.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1798.162 of the Health and Safety Code  
2     is amended to read:  
3     1798.162. (a) A local emergency medical services agency  
4     may implement a trauma care system only if the system meets the  
5     minimum standards set forth in the regulations for implementation  
6     established by the authority and the plan required by Section  
7     1797.257 has been submitted to, and approved by, the authority.  
8     Prior to submitting the plan for the trauma care system to the  
9     authority, a local emergency medical services agency shall hold a  
10    public hearing and shall give adequate notice of the public hearing  
11    to all hospitals and other interested parties in the area proposed to  
12    be included in the system. This subdivision does not preclude a  
13    local EMS agency from adopting trauma care system standards  
14    which are more stringent than those established by the regulations.  
15    (b) Notwithstanding subdivision (a) or any other provision of  
16    this article, the Santa Clara County Emergency Medical Services  
17    Agency may implement a trauma care system prior to the adoption  
18    of regulations by the authority pursuant to Section 1798.161. If  
19    the Santa Clara County Emergency Medical Services Agency  
20    implements a trauma care system pursuant to this subdivision prior  
21    to the adoption of those regulations by the authority, the agency  
22    shall prepare and submit to the authority a trauma care system plan  
23    which conforms to any regulations subsequently adopted by the  
24    authority.

(c) A local emergency medical services agency implementing a trauma care system shall, as part of the minimum standards adopted pursuant to Section 1798.161, commission the American College of Surgeons to conduct a comprehensive assessment every three years of equitability and access to its trauma system. The local emergency medical services agency shall submit the results of each assessment to the authority.

SEC. 2. Due to the fact that the American College of Surgeons is the only independent, nonprofit organization that conducts assessments of trauma systems, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution and that special legislation is necessary.

SECTION 1. ~~Section 1317 of the Health and Safety Code is amended to read:~~

~~1317. (a) Emergency services and care shall be provided to any person requesting the services or care, or for whom services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, at any health facility licensed under this chapter that maintains and operates an emergency department to provide emergency services to the public when the health facility has appropriate facilities and qualified personnel available to provide the services or care.~~

~~(b) In no event shall the provision of emergency services and care be based upon, or affected by, the person's ethnicity, citizenship, age, preexisting medical condition, insurance status, economic status, ability to pay for medical services, or any other characteristic listed or defined in subdivision (b) or (c) of Section 51 of the Civil Code, except to the extent that a circumstance such as age, sex, preexisting medical condition, or physical or mental disability is medically significant to the provision of appropriate medical care to the patient.~~

~~(c) Neither the health facility, its employees, nor any physician and surgeon, dentist, clinical psychologist, or podiatrist shall be liable in an action arising out of a refusal to render emergency services or care if the refusal is based on the determination, exercising reasonable care, that the person is not suffering from an emergency medical condition, or that the health facility does not have the appropriate facilities or qualified personnel available to render those services.~~

1     ~~(d) Emergency services and care shall be rendered without first~~  
2     ~~questioning the patient or any other person as to his or her ability~~  
3     ~~to pay therefor. However, the patient or his or her legally~~  
4     ~~responsible relative or guardian shall execute an agreement to pay~~  
5     ~~therefor or otherwise supply insurance or credit information~~  
6     ~~promptly after the services are rendered.~~

7     ~~(e) If a health facility subject to this chapter does not maintain~~  
8     ~~an emergency department, its employees shall nevertheless exercise~~  
9     ~~reasonable care to determine whether an emergency exists and~~  
10    ~~shall direct the persons seeking emergency care to a nearby facility~~  
11    ~~that can render the needed services, and shall assist the persons~~  
12    ~~seeking emergency care in obtaining the services, including~~  
13    ~~transportation services, in every way reasonable under the~~  
14    ~~circumstances.~~

15    ~~(f) No act or omission of any rescue team established by any~~  
16    ~~health facility licensed under this chapter, or operated by the federal~~  
17    ~~or state government, a county, or by the Regents of the University~~  
18    ~~of California, done or omitted while attempting to resuscitate any~~  
19    ~~person who is in immediate danger of loss of life shall impose any~~  
20    ~~liability upon the health facility, the officers, members of the staff,~~  
21    ~~nurses, or employees of the health facility, including, but not~~  
22    ~~limited to, the members of the rescue team, or upon the federal or~~  
23    ~~state government or a county, if good faith is exercised.~~

24    ~~(g) For purposes of this section, "rescue team" means a special~~  
25    ~~group of physicians and surgeons, nurses, and employees of a~~  
26    ~~health facility who have been trained in cardiopulmonary~~  
27    ~~resuscitation and have been designated by the health facility to~~  
28    ~~attempt, in cases of emergency, to resuscitate persons who are in~~  
29    ~~immediate danger of loss of life.~~

30    ~~(h) This section shall not relieve a health facility of any duty~~  
31    ~~otherwise imposed by law upon the health facility for the~~  
32    ~~designation and training of members of a rescue team or for the~~  
33    ~~provision or maintenance of equipment to be used by a rescue~~  
34    ~~team.~~